

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14717 of John F. Belfiore, pursuant 11 DCMR 3108.1, for a special exception under the provisions of Sections 726.1 and 2302.1 to establish an automobile repair garage and storage garage in a C-2-A District at premises rear 1437 Newton Street, N.W., (Square 2678, Lot 832).

Application No. 14718 of John F. Belfiore, pursuant to 11 DCMR 3108.1, for a special exception under the provisions of Section 726.1 and 2302.1 to operate an automobile repair garage and storage garage in a C-2-A District at premises rear 1437 Newton Street, N.W., (Square 2678, Lot 832).

HEARING DATE: February 24, 1988
DECISION DATE: March 2, 1988

FINDINGS OF FACT:

1. The subject applications are consolidated by the Board for purposes of this order since both applications involve the same property, which will be leased to two different operators who will use different portions of the building for essentially the same use, and many of the facts regarding both operations are the same.

2. The subject property is located in the interior of the square bounded by Newton Street to the south, 14th Street to the east, Square 2681 to the west, and Meridian Place to the north and is known as premises rear of 1437 New Newton Street, N.W. It is zoned C-2-A.

3. The site is irregularly shaped. The boundaries of the site measure 142 feet on the north, 88.9 feet on the east, 124.61 feet on the south and 90.09 feet on the west.

4. To the east of the property is a Giant food market which fronts on 14th Street. To the north of the property at a distance of approximately 100 feet are single family dwellings which front on Meridian Place. To the west and south of the property are apartment buildings partially separated from the site by public alleys.

5. Ingress and egress to the interior of the square is by means of two alleys, one off 14th Street and one off Meridian Place. There is no vehicular access to the site from Newton Street.

6. The site is improved with a one-story brick structure which was built in approximately 1948. It was originally used as storage for vehicles of the C & P Telephone Co.

7. By BZA Order No. 12148, dated June 4, 1976, the Board granted permission to use the premises as a repair garage, no body and fender work, for a period of three years. By BZA Order No. 12958, dated September 5, 1979, the Board approved the continued use of the premises as a repair garage for a period of five years. A storage garage is permitted as a matter-of-right in the C-2-A District.

8. The subject property is leased to Benny's Auto Repair and People's Cab Co. for storage and repair work.

9. Benny's Auto Repair is open to the public from 8:30 A.M. to 7:00 P.M., Monday through Saturday, and has a total of three employees who perform general auto repairs on five to six autos per day.

10. People's Cab Co. operates from 9:00 A.M. to 5:00 P.M., Monday through Friday, and has a total of three employees who provide repair services for a fleet of approximately twenty-one taxicabs at the rate of three to four cabs per day. On Saturdays, from 9:00 A.M. to 1:00 P.M., the facility does insurance sticker work for taxicabs. There is no dispatching of cabs from the subject premises.

11. Neither facility provides body and fender work services. All vehicular repair takes place inside the structure. No vehicles are stored on the outside of the premises overnight.

12. The applicant testified that litter and debris problems have been attributed to his site, but that, in fact, such problems occurred on adjoining properties. Over the years, the applicant has answered summons regarding these problems and directed D.C. Government officials to the proper owner. The applicant has received no complaints relating to the existing repair facilities.

13. The Office of Planning (OP), by memorandum dated February 17, 1988, recommended that the applicant be approved with conditions. The OP noted that the surrounding area is in the process of being upgraded and recommended the following conditions to protect the area from adverse or objectionable conditions:

- a. There should be no overnight storage of cars outside the building.
- b. The alleys abutting the property should be kept free from obstructions and parked cars.

- c. Approval by the Board should be limited to three to five years.

The Board will address the OP's recommendations in its conclusions of law and opinion.

14. By letter dated February 17, 1988, Advisory Neighborhood Commission (ANC) 1A, recommended denial of the application based on citizen complaints regarding debris in the alley, abandoned cars in the neighborhood, a high level of noise, and increased traffic in the alley system.

15. There was opposition to the application at the public hearing and of record. In addition to the concerns raised by the ANC, the opposition was of the opinion that the use was incompatible with the surrounding area which is undergoing revitalization efforts.

16. The Board notes that the subject property is zoned C-2-A, which permits a storage garage as a matter-of-right and the requested repair garage as a special exception subject to 2302.1. The repair garage use has been in existence at the subject site since 1976 with no complaints to the owners regarding its operations. The Board finds that, as hereinafter conditioned, the concerns of the opposition can be addressed.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Section 726.1 of the Zoning Regulations and that the required relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the burden of proof. The facility has been in operation since 1976 with no complaints regarding its operation. The complaints raised by the opposition are generally based on the condition of property surrounding the subject site. The Board further concludes that, as hereinafter conditioned, the facility will not tend to adversely affect the use of neighboring property. The Board notes that its approval is for a short period of time so that the Board may reassess the impacts on the area after on-going redevelopment in the area is completed and occupied, particularly with respect to traffic in the alley system. Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for a period of ONE YEAR.
2. There shall be no body or fender work at the subject premises.
3. There shall be no overnight storage of vehicles on the exterior of the premises.
4. The public alley shall be kept free of obstructions and parked cars.
5. All repair work shall take place in the interior of the structure.
6. The hours of operation of Benny's Auto Repair shall not exceed from 8 A.M. to 7 P.M., Monday through Saturday. The hours of operation of People's Cab Company shall not exceed from 9 A.M. to 5 P.M., Monday through Friday, and from 9 A.M. to 1 P.M., on Saturday. Both businesses shall be closed on Sundays.

VOTE: 4-0 (Charles R. Norris, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 20 1986

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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